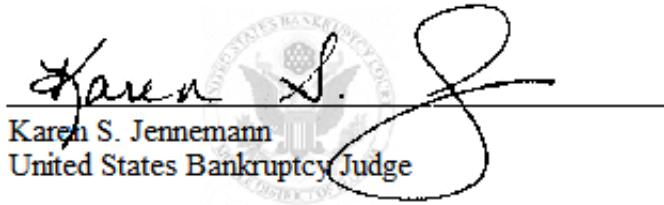


ORDERED.

Dated: December 09, 2020



Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re)	
)	
ORLANDO CRUZ,)	Case No. 6:16-bk-07815-KSJ
)	Chapter 7
Debtor.)	
)	
JESSICA DOIRON,)	
)	
Plaintiff,)	
)	
vs.)	Adversary No. 6:17-ap-00043-KSJ
)	
ORLANDO CRUZ,)	
)	
Defendant.)	
)	

**ORDER DISMISSING IN PART
NOTICE OF APPEAL, AND ESTABLISHING DEADLINES
TO CORRECT DEFICIENCY AND PAY APPEAL FILING FEES**

This adversary proceeding came before the Court to consider Debtor/Defendant's Notice of Appeal filed December 4, 2020 (the "Notice of

Appeal") (Doc. No. 141). Debtor, *pro se*, filed the Notice of Appeal which requests appellate review of five different orders entered in this adversary proceeding. The Debtor listed the following orders in the Notice of Appeal:

1. Final Judgment and Memorandum Opinion Finding Debt Not Dischargeable entered October 13, 2020 (Doc. Nos. 130 and 131) ("Order 1");
2. Order Denying Motion to Vacate entered November 23, 2020 (Doc. No. 139) ("Order 2");
3. Order Denying Motions for Summary Judgment entered March 22, 2019 (Doc. No. 78) ("Order 3");
4. Order Denying Defendant's Motion to Dismiss entered March 30, 2018 (Doc. No. 29) ("Order 4"); and
5. Order Scheduling Trial on Intent Issues Only entered June 17, 2019 (Doc. No. 103) ("Order 5").

Debtor filed the Notice of Appeal without the required appeal filing fee.

Debtor's appeal of more than one order in a single notice of appeal is improper. A notice of appeal must be accompanied by the judgment, order, or decree, or the part of it being appealed.¹ The appellant must file a *separate* notice of appeal for each order or judgment sought to be reviewed.² Each notice of appeal must be accompanied by the prescribed fee.³ And, the notice of appeal must be filed within 14 days after entry of a final or interlocutory judgment, order or decree.⁴

¹ Fed. R. Bankr. P. 8003(a)(3).

² *MT Tech. Enterprises, LLC v. Nolte*, No. 3:15-CV-00669-JAG, 2016 WL 234846, at *2 (E.D. Va. Jan. 19, 2016) (quoting *In re Frontier Airlines, Inc.*, 108 B.R. 277, 279 (D. Colo. 1989)); *Carnahan, Carnahan & Hickle v. Rozark Farms, Inc. (In re Rozark Farms)*, 139 B.R. 463, 465 (E.D. Mo. 1992).

³ Fed. R. Bankr. P. 8003(a)(3).

⁴ Fed. R. Bankr. P. 8002(a). See also Fed. R. Bankr. P. 8003(a)(1), 8004(a)(1).

Here, the Notice of Appeal as to Order 3, Order 4 and Order 5 is untimely.⁵ As to Order 1 and Order 2, Debtor filed a single notice and did not pay the prescribed fee. Because the Debtor may no longer intend to appeal Order 1, Order 2 or both, the Court will allow the Debtor some time to correct the deficiency prior to dismissal. After reviewing the pleadings and considering the positions of all interested parties, it is

ORDERED:

1. The Notice of Appeal (Doc. No. 141) as to Order 3, Order 4 and Order 5 is dismissed.
2. Debtor has until **December 23, 2020**, if he desires, to file proper notices of appeal for Order 1 and Order 2.
3. A notice of appeal filed in accordance with paragraph two (2) above shall relate back to December 4, 2020, the date the Debtor filed the Notice of Appeal.
4. The Debtor shall pay by **December 23, 2020**, the appeal filing fee of \$298.00 for each notice of appeal to be filed.
5. Debtor's failure to timely pay the appeal filing fees required in paragraph four (4) will result in the dismissal of the appeal without further notice or hearing.

⁵ This finding is based solely upon the filing date of the Notice of Appeal and entry date of the orders. The Court recognizes an "an appeal from a final judgment draws in question all prior non-final orders and rulings which produced the judgment" *Toomey v. Wachovia Ins. Services, Inc.*, 450 F.3d 1225, 1228 n. 2 (11th Cir. 2006) (quoting *Barfield v. Brierton*, 883 F.2d 923, 930 (11th Cir.1989)); however, whether the orders are non-final orders or rulings which produced the judgment Debtor timely appealed is an appellate decision for the District Court.

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The Clerk is directed to serve a copy of this order on all interested parties.